

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO.
) 3:17-cv-05806-RJB
THE GEO GROUP, INC.,)
)
Defendant.)
_____)
)
UGOCHUKWU GOODLUCK NWAUZOR,)
FERNANDO AGUIRRE-URBINA,)
individually and on behalf of)
all those similarly situated,)
)
Plaintiffs,)
) CIVIL ACTION NO.
vs.) 17-cv-05769-RJB
)
THE GEO GROUP, INC., a Florida)
corporation,)
)
Defendant.)

VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION UPON ORAL

BRIAN R. EVANS

(CONTAINS CONFIDENTIAL TESTIMONY SUBJECT TO PROTECTIVE
ORDER AND FOR ATTORNEYS' EYES ONLY)

12:03 P.M. EDT
JUNE 11, 2020
28 ELEUPHERA DRIVE
BOYNTON BEACH, FLORIDA
REPORTED BY: JUDY BONICELLI, CSR, RPR, CCR 2322

A P P E A R A N C E S

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ALSO PRESENT: Allan Morgan, Videographer (Remotely)
Carolyn Rice (Remotely)
Paige Suelzle (Remotely)

I N D E X

WITNESS: BRIAN R. EVANS

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By MS. BRENNEKE 4

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BOYNTON BEACH, FLORIDA; JUNE 11, 2020

12:03 P.M. EDT

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THE VIDEOGRAPHER: We are on the record at 9:03 a.m. on June 11th, 2020. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Brian Evans, taken by counsel for the plaintiff in the matter of State of Washington versus The GEO Group, Inc., filed in the United States Court, Western District of Washington, Case No. 3:17-cv-05806-RJB.

This deposition is being conducted using remote counsel technology, and all participants are attending remotely. My name is Allan Morgan from the firm YOM Veritext, and I'm the videographer. The court reporter is Judy Bonicelli from the firm YOM Veritext.

I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome. If there are any objections to proceeding, please state them at the time of your appearance, beginning with the noticing attorney.

Will all present please state their name and

1 affiliations for the record.

2 MS. BRENNEKE: My name is Andrea
3 Brenneke. I'm here on behalf of the State of
4 Washington.

5 MR. POLOZOLA: Lane Polozola also here
6 representing the State of Washington.

7 THE REPORTER: I'm sorry this is the
8 court reporter. Mr. -- Lane, I didn't hear that.

9 MR. POLOZOLA: Can you hear now?

10 THE REPORTER: We can hear but it's
11 shaky.

12 MR. POLOZOLA: Lane Polozola on behalf
13 of the State of Washington as well.

14 MS. MELL: I'm Joan Mell. I'm on behalf
15 of the GEO Group.

16 MS. SCHEFFEY: Adrienne Scheffey also on
17 behalf of the GEO Group.

18 MS. WILKE: My name is Cheryl Wilke.
19 I'm vice president and corporate counsel for GEO Group.

20 MR. WHITEHEAD: Good morning. This is
21 Jamal Whitehead, class counsel for the private
22 plaintiffs in this separately-captioned matter of
23 Nwauzor v. GEO, Cause No. 17-cv-5769.

24 MS. ULREY: And Page Ulrey, also for the
25 private plaintiffs.

1 MR. EVANS: I'm Brian Evans. I'm the
2 senior vice president and CFO for the GEO Group.

3 THE VIDEOGRAPHER: Will the court
4 reporter please swear in the witness.

5 THE REPORTER: I'm sorry, Schroeter
6 Goldmark, I didn't get your name.

7 MS. ULREY: Page Ulrey, P-a-g-e, last
8 name, U-l-r-e-y.

9 THE REPORTER: Thank you.

10 MS. ULREY: Thank you.

11 BRIAN R. EVANS,
12 sworn as a witness by the Certified Court Reporter,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MS. BRENNEKE:

16 Q. Hello, Mr. Evans. Thank you for being here.
17 My name is Andrea Brenneke, and I'm joined by my
18 colleague and co-trial counsel Lane Polozola. We also
19 have Jamal Whitehead, who is the counsel for the
20 private plaintiffs who will be conducting some
21 questioning.

22 I am going to start just by recognizing that
23 this is a remote deposition in the time of Corona and
24 it is actually my first time doing this so if it's a
25 little bit rocky at times, or if you have any trouble

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1 for detainee labor in Washington?

2 A. Not that I'm aware of, no.

3 Q. How about in any other states?

4 A. No.

5 Q. Have you ever been involved in any
6 conversation in-person or in writing about whether GEO
7 should be paying Washington minimum wage for detainee
8 labor?

9 A. You know, just as in my role as a CFO in part
10 of our meetings with the CEO and the general counsel
11 discussing these cases, so that's part of the legal
12 discussions that we've had as a company.

13 MS. SCHEFFEY: And to the extent any of
14 those conversations were in the presence of Ms. Wilke,
15 Mr. Carrillo or any other counsel, I would ask that you
16 do not discuss them.

17 THE WITNESS: I was just saying the
18 context of what I've discussed but it's always been
19 with general counsel present.

20 BY MS. BRENNEKE:

21 Q. Have you ever had any internal discussion or
22 analysis with regard to GEO's minimum wage applications
23 that took place outside of the presence of your
24 counsel?

25 MS. SCHEFFEY: Object to form.

1 You may answer.

2 THE WITNESS: I don't believe so. Can
3 you just say the question again one more time just so I
4 can make sure I'm clear in my answer?

5 BY MS. BRENNEKE:

6 Q. Yeah, I'm just wondering within your executive
7 team meetings or other meetings, have you had
8 conversations about your obligations to comply with
9 Washington Minimum Wage Law where counsel wasn't
10 present?

11 A. No. Not that I'm aware of. Some of the
12 discussion around this letter and the preparation of
13 the information here would have been analysis but there
14 was no discussion as to whether or not the law was
15 actually applicable. It was just to do a theoretical
16 analysis to government to show them what it would look
17 like if we were unsuccessful in defending the
18 government's policy. So is that a clear distinction?

19 Q. Yeah, I think so.

20 So why was it that you all decided to send
21 this letter on May 30th, 2018, to Peter Edge?

22 MS. SCHEFFEY: Object to form and I
23 would also note that the record is clear that Mr. Evans
24 is not on that letter.

25 You may answer if you know.

REPORTER'S CERTIFICATE

I, JUDY BONICELLI, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND and DIGITAL SIGNATURE this 24th day of June 2020.



JUDY BONICELLI, RPR, CCR

Washington Certified Court Reporter, CCR 2322